

REMARKS

Figures 3 and 8 and claims 3-13 and 17 have been amended to overcome the cited objections. Further, claims 1 and 16 are amended to recite a “single jaw body” in order to overcome the rejections based on U.S. Patent No. 5,529,329 issued to McCoy (“McCoy”), U.S. Patent No. 3,251,609 issued to Daniels (“Daniels”), and U.S. Patent No. 6,109,642 issued to Schuettenberg (“Schuettenberg”). In light of the following amendments and arguments, all pending claims are in condition for allowance.

Supplemental IDS

The USPTO objected to the IDS as missing a copy of the PCT written report. (Office Action at 2). Applicant files, also today, a Supplemental IDS that includes a copy of the PCT written report. Therefore, the USPTO’s objection has been resolved.

Drawing Objections

The USPTO objected to the drawings because they do not properly label the height (H) and tread (T) of the first step. Amended figure 8, which is attached hereto, includes a label of the height (H) and tread (T) of the first step. Additionally, the USPTO objected to figure 3 as missing a line between designation (24) and the element it represents in the drawing. Amended figure 3, which is attached hereto, includes the appropriate line. Accordingly, the objections to the drawings have been resolved.

Claim Objections

The USPTO objected to claims 3-13 as improperly depending from cancelled claim 2. (Office Action at 3.) Claims 3, 11 and 13 have been amended to depend from claim 1 instead of claim 2.

The USPTO also objected to claims 13 and 17 as containing the allegedly unclear phrase “over center.” Claims 13 and 17 have been amended to remove the phrase at issue. Accordingly, the objections to claims 3-13 and 17 have been resolved.

Claims 1, 3-4, 7-9 and 11-20 are Patentable

The USPTO rejected claims 1, 3-4, 7-9 and 11-20 as obvious over McCoy “as modified by” Daniels. (Office Action at page 3.) McCoy as modified by Daniels does not teach a jaw assembly as recited in independent claims 1 and 16. If a combination of references fail to teach, suggest, or motivate a claimed recitation, then the USPTO has failed to meet its prima facie burden of obviousness. MPEP 2242. Therefore, claims 1 and 16 are patentable on this ground alone.

Furthermore, claims 1 and 16 have been amended to recite “a single jaw body for securing a king pin of a trailer, the jaw body having a stepped bearing surface for engaging the king pin.” McCoy and Daniels, alone or in combination, fail to teach this recitation.

Instead of disclosing a single jaw body, Daniels discloses a pair of jaw bodies 25 and 27 arranged to secure a king pin of a trailer. (*See* Daniels at Figs. 1 and 3-5.) Likewise, McCoy discloses a pair of jaw bodies arranged to secure a king pin of a trailer.

(See McCoy at Fig. 2, reference number 28.) While the USPTO already acknowledged that Daniels must “modify” McCoy (Office Action at 5), neither of those references teach, suggest or motivate a person of ordinary skill to further modify the pair of jaw bodies configuration into a single jaw configuration as recited in the claims. Further, the Canadian Intellectual Property Office found claims reciting this “single jaw body” limitation to be patentable. (See Supplemental IDS.) Therefore, the USTPO cannot establish a prima facie case for obviousness on this ground.

Because independent claims 1 and 16 are patentable over McCoy and Daniels, dependent claims 3-4, 7-9 and 11-15 and 17-20 are also patentable. Therefore, claims 1, 3-4, 7-9 and 11-20 are patentable. .

Claims 5 and 6 Are Patentable Over The Cited References

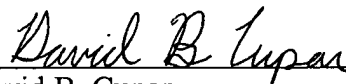
The USPTO rejected claims 5 and 6 as obvious over McCoy “as modified by” Daniels in view of Schuettenberg. (Office Action at 5.) Claims 5 and 6, which depend directly from independent claim 1, also include the “single jaw” recitation. As with McCoy and Daniels, Schuettenberg does not teach a single jaw configuration. Because independent claim 1 is patentable, so are claims 5 and 6.

CONCLUSION

Applicant submits that the application and claims 1, 3-20 and 22 are now in condition for allowance.

Respectfully submitted,

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David B. Cupar
Reg. No. 47,510
McDonald Hopkins LLC
600 Superior Avenue, E.
Suite 2100
Cleveland, OH 44114
Telephone: 216-430-2036